

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC LEBRON SPRINGS,
Plaintiff,
v.
J. MARTINEZ, et al.,
Defendants.

Case No. 1:23-cv-00752-EPG (PC)

ORDER RE: PLAINTIFF'S MOTION TO
WITHDRAW THE CIVIL COMPLAINT
(ECF No. 9)

Plaintiff Eric Lebron Springs filed a complaint in this court on May 15, 2023. (ECF No. 1). On August 16, 2023, Plaintiff filed a "Motion to Withdraw Civil Complaint." (ECF No. 9). Plaintiff requests that his civil complaint be withdrawn from the record. Plaintiff explains that he received legal advice and decided to pursue money damages pursuant to the Federal Tort Claims Act.

The Court construes Plaintiff's motion as a notice of voluntary dismissal of his case, without prejudice. Voluntary dismissal is permissible pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), as Defendants have not filed an answer or a motion for summary judgment.

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1 Accordingly, in light of the voluntary dismissal, this action has been terminated, Fed. R.
2 Civ. P. 41(a)(1)(A)(i), and has been dismissed. *See Wilson v. City of San Jose*, 111 F.3d 688, 692
3 (9th Cir. 1997). The Clerk of Court is respectfully directed to close the case.
4 IT IS SO ORDERED.

5 Dated: August 21, 2023

/s/ Eric P. Grogan
6 UNITED STATES MAGISTRATE JUDGE